CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD-
LAHONTAN REGION

BOARD ORDER NO. 6-00-03

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
GENERAL PERMIT NO. CAG616002

FOR

DISCHARGES OF STORM WATER RUNOFF ASSOCIATED WITH CONSTRUCTION ACTIVITY INVOLVING LAND DISTURBANCE IN THE LAKE TAHOE HYDROLOGIC UNIT EL DORADO, PLACER, AND ALPINE COUNTIES

The California Regional Water Quality Control Board, Lahontan Region (Regional Board) finds that:

1. Federal regulations for controlling pollutants in storm water runoff discharges were promulgated by the U.S. Environmental Protection Agency (U.S. EPA) on November 16, 1990 (40 Code of Federal Regulations (CFR) Parts 122, 123, and 124) and amended on December 8, 1999. The regulations require the landowner, or party responsible for construction activity, to obtain a National Pollutant Discharge Elimination System (NPDES) Permit (General Permit) and implement Best Available Control Technology (BAT) and Best Conventional Pollutant Control Technology (BCT) to eliminate or reduce pollutants in storm water discharged to surface waters from areas of construction activity, including grading, clearing, and excavation (except construction activities that result in a total land disturbance of less than five acres or beginning December 8, 2002 less than one acre and which are not part of a common plan of development or sale). The General Permit for the Lake Tahoe Hydrologic Unit (HU) will be consistent with the implementation schedule of the federal General Permit. As such, any construction projects in the Lake Tahoe HU proposed for the 2003 construction season and thereafter which will disturb one or more acres of land shall be required to obtain coverage under this General Permit.

2. This General Permit regulates pollutants in storm water discharges associated with construction activity (storm water discharges) to surface waters within the Lake Tahoe Hydrologic Unit (Department of Water Resources Hydrologic Unit (HU) No. 634.00); and storm water discharges which are determined eligible for coverage under this General Permit by the Regional Board. Attachment "A" contains definitions and the address and telephone number of the Regional Board and the State Water Resources Control Board (SWRCB).

3. This General Permit does not preempt or supersede the authority of local or regional storm water management agencies to regulate, prohibit, restrict, or control storm water discharges

to separate storm sewer systems or other watercourses within their jurisdiction, as allowed by State and Federal law.

4. To obtain authorization for proposed storm water discharges to surface waters, pursuant to this General Permit, the landowner (discharger) must submit a Notice of Intent (NOI) and the proper fee to the Regional Board prior to commencement of construction activities. In addition, coverage under this General Permit shall not occur until the applicant develops, submits, and implements a Storm Water Pollution Prevention Plan or SWPPP (developed, in accordance with the requirements of Section I and Attachment "D" of this General Permit) for the project. For proposed construction activity on easements or on nearby property by agreement or permission, the entity responsible for the construction activity must submit the NOI and filing fee and shall be responsible for development of the SWPPP. Notification of coverage by the Regional Board is required.

5. If an individual NPDES Permit is issued to a discharger otherwise subject to this General Permit or if an alternative General Permit is subsequently adopted which covers storm water discharges regulated by this General Permit, the applicability of this General Permit to such discharges is automatically terminated on the effective date of the individual NPDES Permit or the date of approval for coverage under the subsequent General Permit.

6. This action to adopt a NPDES General Permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.), in accordance with Section 13389 of the California Water Code.

7. The Regional Board has adopted and the SWRCB has approved the *Water Quality Control Plan for the Lahontan Region* (Basin Plan). Dischargers regulated by this General Permit must comply with the water quality standards in the Basin Plan and subsequent amendments thereto.

8. Any project covered under this General Permit must comply with land coverage requirements specified in the Basin Plan. Compliance can be achieved by coverage transfers, relocating coverage or other mitigation procedures specified in the Basin Plan and in the Tahoe Regional Planning Agency's *Water Quality Management Plan for the Lake Tahoe Region* (revised 208 Plan, 1988).

9. The beneficial uses of the surface waters of Lake Tahoe and its tributaries, as set forth and defined in the Basin Plan for the Lahontan Region, include the following:

    a. municipal and domestic supply,
    b. agricultural supply,
    c. water contact recreation,
    d. non-contact water recreation,
    e. ground water recharge,
    f. freshwater replenishment,

g. navigation,
j. commercial and sportfishing,
k. cold freshwater habitat,
l. wildlife habitat,
m. preservation of biological habitats of special significance,
n. rare, threatened, or endangered species,
o. migration of aquatic organisms,
p. spawning, reproduction, and development,
q. water quality enhancement, and
r. flood peak attenuation/flood water storage.

10. The beneficial uses of the groundwaters of the Lake Tahoe HU, and Department of Water Resources Groundwater Basin No. 6-5.02, as set forth and defined in the Basin Plan, include the following:

    a. municipal and domestic supply, and
    b. agricultural supply.

11. Numeric effluent limitations for pollutants in storm water discharges from construction activities are contained in the Basin Plan. The provisions of this General Permit require implementation of BAT/BCT and Best Management Practices (BMPs) to control and abate the discharge of pollutants in storm water discharges, and achieve the numerical and narrative standards of this General Permit.

12. Discharges of non-storm water may be necessary for the completion of certain construction projects. Such discharges include, but are not limited to, irrigation of vegetative erosion control measures and pipe flushing and testing. Such discharges are authorized by this General Permit as long as they (a) comply with the prohibitions in Section I of this General Permit, (b) do not cause or contribute to a violation of any water quality standard, (c) do not violate any other provision of this General Permit, (d) do not require a non-storm water General Permit as issued by the Regional Board, and (e) do not require a prohibition exemption from the Regional Board for prohibitions contained in the Basin Plan, except when an exemption for the project has been granted by the Regional Board.

13. Following public notice in accordance with State and Federal laws and regulations, the Regional Board in a public meeting heard and considered all comments pertaining to this General Permit. Regional Board staff considered all comments received and have incorporated the comments in the General Permit as appropriate.

14. This Order is an NPDES General Permit in compliance with Section 402 of the Clean Water Act (CWA) and shall take effect upon adoption by the Regional Board provided the Regional Administrator of the U.S. EPA has no objection. If the U.S. EPA Regional Administrator objects to its issuance, the General Permit shall not become effective until such objection is withdrawn.

15. This General Permit does not authorize discharges of fill or dredged material regulated by the U.S. Army Corps of Engineers under CWA Section 404 and does not constitute a waiver of water quality certification under CWA Section 401.

IT IS HEREBY ORDERED that all dischargers receiving written authorization from the Regional Board's Executive Officer to be regulated under the provisions of this General Permit shall comply with the following:

I. DISCHARGE PROHIBITIONS

A. Unless specifically granted, authorization pursuant to this General Permit does not constitute an exemption to applicable discharge prohibitions prescribed in the Basin Plan.

B. Unless otherwise authorized by a separate NPDES permit, discharges of material other than storm water to a separate storm sewer system or waters of the nation are prohibited, except as allowed in Special Provisions for Construction Activity, Section V.

C. Discharges of non-storm water are allowed only when necessary for performance and completion of construction projects and where they do not cause or contribute to a violation of any water quality standards. Such discharges must be described in the SWPPP. Wherever feasible, alternatives, which do not result in discharge of non-storm water, shall be implemented, in accordance with Section 8 of Attachment "D".

D. Storm water discharges regulated by this General Permit shall not contain a hazardous substance equal to or in excess of a reportable quantity listed in 40 CFR Part 117 and/or 40 CFR Part 302.

E. The removal of vegetation or disturbance of ground surface conditions between October 15 of any year and May 1 of the following year is prohibited. Where it can be shown that granting a variance would not cause or contribute to the degradation of water quality, an exception to the dates stated above may be granted in writing by the Executive Officer

F. Discharge of fresh concrete or grout to surface waters is prohibited.

G. The discharge of oil, gasoline, diesel fuel, any petroleum derivative, any toxic chemical, or hazardous waste is prohibited.

H. The discharge of waste, including wastes contained in stormwater, shall not cause a pollution, threatened pollution, or nuisance as defined in Section 13050 of the California Water Code.

I. At no time shall surplus or waste earthen materials be placed in surface water drainage courses, within the 100-year flood plain of any surface water, below the high water line of

Lake Tahoe, or in such a manner as to allow the discharge of such materials to adjacent undisturbed land or to any surface water drainage course.

J. The discharge or threatened discharge, attributable to new development in Stream Environment Zones, of solid or liquid waste, including soil, silt, sand, clay, rock, metal, plastic, or other organic, mineral or earthen materials to Stream Environment Zones in the Lake Tahoe Basin is prohibited.

K. The discharge or threatened discharge, attributable to human activities, of solid or liquid waste materials, including soil, silt, clay, sand and other organic and earthen materials, to lands below the highwater rim of Lake Tahoe or within the 100-year floodplain of any tributary to Lake Tahoe, is prohibited.

L. Construction activities that involve crossing or alteration of a stream channel require a prior written agreement with the California Department of Fish and Game.

M. In accordance with Section 13260 of the California Water Code, the Discharger shall file a report with the Regional Board of any material change or proposed change in the character, location, or volume of the discharge. Any proposed material change in the operation shall be reported to the Executive Officer at least 30 days in advance of implementation of any such proposal. This shall include, but not be limited to, all significant new soil disturbances, all proposed expansion of development, any increase in impervious surface coverage, or any change in drainage characteristics at the project site. Any proposed change in the construction completion dates submitted in the report of waste discharge will require the submittal of a revised report.

N. The Discharger shall immediately notify the Regional Board by telephone whenever an adverse condition occurs as a result of this discharge. An adverse condition includes, but is not limited to, a violation or threatened violation of the conditions of this General Permit, significant spills of petroleum products or toxic chemicals, or damage to control facilities that could affect compliance pursuant to Section 13267(b) of the California Water Code, a written notification of the adverse condition shall be submitted to the Regional Board within one week of occurrence. The written notification shall identify the adverse condition, describe the actions necessary to remedy the condition, and specify a timetable, subject to the modifications of the Regional Board, for the remedial actions.

II. DISCHARGE SPECIFICATIONS

A. Effluent Limitations

1. All surface flows generated within the facility which are discharged to land treatment systems, surface waters or municipal storm water collection systems shall not contain constituents in excess of the following concentrations:

Constituent	Units	Maximum Concentration for Discharge to: Land Treatment Systems	Maximum Concentration for Discharge to: Collection Systems and Surface Waters
Total Nitrogen	mg/L as N	5	0.5
Total Phosphorus	mg/L as P	1	0.1
Total Iron	mg/L	4	0.5
Turbidity	NTU	200	20
Suspended Solids	mg/L	---	50
Grease and Oil	mg/L	40	2

2. Land treatment systems are those involving the use of plants, the soil surface, and the soil matrix for treatment of runoff. Any waters discharged into land treatment systems should not contain excessive concentrations of nutrients which may not be effectively filtered out by soil and vegetation.

3. If constituent concentrations of waters entering the project area exceed the numerical limitations specified above there shall be no increase in the constituent concentrations in the waters that are discharged from the project area.

4. All surface flows generated within the project area, or as a result of the development of the project, which are discharged to surface waters or municipal storm water collection systems shall not contain the following:

   a. substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, or animal life; and

   b. coliform organisms attributable to human wastes.

B. Receiving Water Limitations

1. Storm water discharged from the project area shall not cause the receiving water quality objectives to be exceeded for the specified surface waters, and tributaries thereto, listed in Attachment "E", which is made a part of this General Permit. To the

extent of any inconsistencies between the water quality objectives in Attachment "E" and those contained in Section II. B. 3. of this General Permit, the objectives in Attachment "E" shall take precedence.

2. Storm water discharges to any surface or ground water shall not adversely impact human health or the environment.

3. The discharge of storm water from within the project area to surface waters shall not cause a violation of the following water quality objectives:

   a. Color - Waters shall be free of coloration that causes nuisance or adversely affects the water for beneficial uses.

   b. Floating Material - Waters shall not contain floating material, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect the water for beneficial uses. For natural high quality waters, the concentrations of floating material shall not be altered to the extent that such alterations are discernible at the 10 percent significance level.

   c. Suspended Material - Waters shall not contain suspended material in concentrations that cause nuisance or adversely affect the water for beneficial uses. For natural high quality water, the concentration of total suspended material shall not be altered to the extent that such alterations are discernible at the 10 percent significance level.

   d. Settleable Material - Waters shall not contain substances in concentrations that result in the deposition of materials that cause nuisance or adversely affect the water for beneficial uses. For natural high quality waters, the concentration of settleable materials shall not be raised by more than 0.1 milliliters per liter.

   e. Oil and Grease - Waters shall not contain oils, greases, waxes or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect the water for beneficial uses. For natural high quality waters, the concentration of oils, greases, or other film or coat generating substances shall not be altered.

   f. Biostimulatory Substances - Waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect the water for beneficial uses.

   g. Sediment - The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect the water for beneficial uses. The suspended sediment

concentration shall not exceed a 90th percentile value of 60 milligrams per liter (mg/L) in streams tributary to Lake Tahoe.

h. Turbidity - Waters shall be free of changes in turbidity that cause nuisance or adversely affect the water for beneficial uses. Increases in turbidity shall not exceed natural levels by more than 10 percent.

i. pH - In Lake Tahoe, the pH shall not be depressed below 7.0 nor raised above 8.4. Changes in normal ambient pH levels shall not exceed 0.5 pH units.

j. Dissolved Oxygen - The dissolved oxygen concentration, in terms of percent saturation, shall not be depressed by more than 10 percent, nor shall the minimum dissolved oxygen concentration at any time be less than 80 percent of saturation, or less than 7.0 mg/l, whichever is more restrictive.

k. Temperature - The natural receiving water temperature of all waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Board that such alteration in temperature does not create a nuisance or adversely affect the water for beneficial uses.

l. Toxic Pollutants - All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. The survival of aquatic life in surface waters subjected to a waste discharge, or other controllable water quality factors, shall not be less than that for the same water body in areas unaffected by the waste discharge, or when necessary, for other control water that is consistent with the requirements for "experimental water" as described in Standard Methods for the Examination of Water and Wastewater, latest edition.

m. Un-ionized Ammonia - The discharge of storm water from the area contained in the General Permit shall not cause concentrations of un-ionized ammonia (NH_4) to exceed 0.025 mg/l (as N) in receiving waters.

n. Pesticides - The summation of concentrations of total identifiable chlorinated hydrocarbons, carbamates, organophosphates, and all other pesticide and herbicide groups, in all waters of the Lake Tahoe HU, shall not exceed the lowest detectable levels, using the most recent detection procedures available. There shall no increase in pesticide concentrations found in bottom sediments or aquatic life. The receiving water shall not contain concentrations of pesticides in excess of the limiting concentrations set forth in the Code of California Regulations, Title 22, Chapter 15, Article 4, Section 64435.

o. Nuisance - The discharge shall not cause a nuisance by reason of odor.

p. Algal Growth Potential - The mean annual algal growth potential at any point in Lake Tahoe shall not be greater than twice the mean annual algal growth potential at the limnetic reference station.

q. Plankton Count - The mean seasonal concentration of plankton organisms in Lake Tahoe shall not be greater than 100 per milliliter and the maximum concentration shall not be greater than 500 per milliliter at any point.

r. Clarity - For Lake Tahoe, the vertical extinction coefficient shall be less than 0.08 per meter when measured below the first meter. The turbidity shall not exceed 3 NTU at any location in Lake Tahoe which is too shallow to determine a reliable extinction coefficient. In addition, turbidity shall not exceed 1 NTU in shallow waters of Lake Tahoe not directly influenced by stream discharges. Secchi disk transparency shall not be decreased below levels recorded in 1967-71 based on a statistical comparison of seasonal and annual mean values.

s. Electrical Conductivity - The mean annual electrical conductivity shall not exceed 95 umhos/cm at 50°C, and the 90-percentile value shall not exceed 100 umhos/cm at 25°C at any location in Lake Tahoe.

t. Additional Biological Indicators - Algal productivity and the biomass of phytoplankton, zooplankton and periphyton in Lake Tahoe shall not be increased beyond levels recorded in 1967-71, based on a statistical comparison of seasonal and annual mean values.

4. The discharge of storm water from within the project area to surface and ground waters shall not cause violation of the following objectives:

a. Tastes and Odors - Waters shall not contain taste or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, that cause nuisance, or that adversely affect the water for beneficial uses.

b. Bacteria - Waters shall not contain concentrations of coliform organisms attributable to human wastes. The fecal coliform concentration of Lake Tahoe and its tributaries, based on a minimum of not less than five samples for any 30-day period, shall not exceed a log mean of 20 per 100 milliliters, nor shall more than 10 percent of the total samples during any 30-day period exceed 40 per 100 milliliters. The median concentration of coliform organisms over any seven-day period shall be less than 1.1 per 100 milliliters in groundwaters of the Lake Tahoe HU

c. Chemical Constituents - The receiving surface waters and ground waters shall not contain concentrations of chemical constituents in excess of the limits specified in California Code of Regulations, Title 22, Chapter 15, Article 4, Section 64435,

Tables 2 and 4, or in amounts that adversely affect the water for agricultural beneficial uses.

d. Radioactivity - Radionuclides shall not be present in concentrations that are deleterious to human, plant, animal, or aquatic life, or that result in the accumulation of radionuclides in the food chain to an extent that it presents a hazard to human, plant, animal, or aquatic life. Waters shall not contain concentrations of radionuclides in excess of limits specified in the California Code of Regulation, Title 22, Chapter 15, Article 5, Section 64443.

III. BEST MANAGEMENT PRACTICES (BMPs)

A. Prior to the initiation of any construction related activities the Discharger shall install temporary erosion control facilities to prevent transport of earthen materials and other wastes off the property.

B. Temporary gravel, hay bale, earthen, or sand bag dikes, or filter fabric fence shall be used as necessary to prevent discharge of earthen materials from the site during periods of precipitation or runoff.

C. Ground compaction and disturbance activities shall be prevented in unpaved areas not subject to construction. All non-construction areas shall be protected by fencing or other means to limit access. These facilities shall be inspected periodically and shall be repaired when necessary.

D. Surface flows from the project site shall be controlled so as to not cause downstream erosion at any point. All storm water runoff which leaves the site shall be discharged to a storm drain or stabilized drainage.

E. Permanent storm water runoff collection, treatment, and/or infiltration disposal facilities shall be designed, installed, and maintained for a discharge of storm water runoff from a 20-year, 1 hour design storm (approximately 1 inch of rainfall) from all impervious surfaces.

F. Prior to October 15 of each year, the Discharger shall provide permanent or temporary (if project is incomplete) stabilization of all disturbed or eroding areas by commencing with revegetation plans and completing construction of mechanical stabilization measures. Commencement of revegetation shall consist of seeding, planting, mulching, initial fertilization as needed, and initial watering as needed.

G. Snow storage and disposal shall be separated from surface waters and contained to avoid surface runoff.

H. All disturbed areas shall be adequately restabilized or revegetated. Revegetated areas shall be continually maintained in order to assure adequate growth and root development until vegetation becomes established. When applicable, the following mitigation measures may be implemented:

1. Depending on the level of disturbance, wood fiber mulch or pine needles may be applied on disturbed surfaces in lieu of vegetation;

2. Tackifier or rice straw shall not be applied within 100 feet of the high water line;

3. Whenever practical seeds collected from the project site area should be added to the seed mix being applied during revegetation; and

4. Whenever practical, natural revegetation will be the preferred and most utilized method of stabilization.

I. All slopes subject to erosion shall be stabilized.

J. All loose piles of soil, silt, clay, sand, debris, or other earthen materials shall be protected in a reasonable manner to prevent the discharge of these materials to waters of the State.

K. Dewatering shall be done in a manner so as to eliminate discharge to surface waters. A separate NPDES Permit may be required for dewatering discharges to surface waters.

L. Where possible, existing drainage patterns shall not be significantly modified.

M. Erosion control facilities shall be installed in conjunction with a routine maintenance and inspection program to provide continued integrity and proper performance of erosion control facilities.

N. Dust shall be controlled to prevent the transport of such material off the project site, into any surface water, or into any drainage course.

O. Construction activities that involve crossing or alteration of a stream channel shall be timed to occur during the period of the year in which stream flow is expected to be lowest.

P. The discharger shall immediately clean up and transport to a legal disposal site any spilled petroleum products or petroleum-contaminated soils to the maximum extent practicable.

Q. At or before completion of a construction project, all surplus or waste earthen materials shall be removed from the project site and deposited only at a legal, authorized point of disposal or restabilized onsite in accordance with erosion control plans previously approved by the Executive Officer.

R. Drainage swales disturbed by construction activities shall be stabilized by appropriate soil stabilization measures to prevent erosion.

S. Restoration Projects shall implement all of the above-mentioned BMPs where applicable as well as the Temporary BMPs defined in Attachment "C".

IV. STORM WATER POLLUTION PREVENTION PLAN

A. All dischargers must develop and implement a Storm Water Pollution Prevention Plan or SWPPP in accordance with Attachment "D", which is made a part of this General Permit. The SWPPP shall be submitted to the Regional Board as part of a report of waste discharge. The SWPPP must be approved by the Executive Officer before discharge under this General Permit will be authorized.

B. The SWPPP must identify and detail storm water pollution prevention measures that will be constructed and implemented at the construction site. The proposed pollution control measures must be adequate to reduce pollutants in storm water discharges from the construction site, both during construction and after construction is completed, to levels that are in compliance with effluent limits and receiving water objectives contained in this General Permit. The SWPPP must also comply with and incorporate the Discharge Prohibitions (Section I), Discharge Requirements (Section II), and applicable BMPs (Section III) contained in this General Permit.

V. SPECIAL PROVISIONS FOR CONSTRUCTION ACTIVITY

Discharges of non-storm water are authorized only where they do not cause or contribute to a violation of any water quality standard and are controlled through implementation of BMPs which effectively eliminate or reduce pollutants in the discharge. Implementation of effective BMPs are a condition for authorization of non-storm water discharges. Non-storm water discharges and the BMPs appropriate for their control must be described in the SWPPP. Wherever feasible, alternatives such as land disposal which do not result in discharge of non-storm water shall be implemented, in accordance with Attachment "D", Section 9.

VI. APPLICABILITY

A. This Order shall serve as a general NPDES Construction Activity Storm Water General Permit for the temporary discharge of products of erosion and construction waste materials during and after construction activity that results in five acres or more (one acre or more beginning December 8, 2002) of land disturbance in the Lake Tahoe HU. In the event that USEPA amends its stormwater requirements, this General Permit will be applicable for all projects meeting the amended requirements.

B. Upon receipt of a report of waste discharge describing a proposed discharge and an NOI to comply with the provisions of this General Permit, the Executive Officer shall determine if such a discharge satisfies all of the following conditions:

1. The discharge will be generated from construction activity which does not include any other waste discharge activities.

2. The project does not include disturbance to lands classified as Stream Environment Zones, Bailey Land Capability Classification 1b as defined in the Basin Plan, unless an exemption is granted by the Regional Board.

3. The amount of proposed coverage is equal to or less than that allowed by the Basin Plan.

4. The project incorporates appropriate BMPs, as feasible, to infiltrate and/or treat storm water runoff from existing and proposed impervious surfaces on the site.

5. The project plans include a SWPPP which proposes specific temporary and permanent measures to prevent the discharge of pollutants from the site.

6. The project plans include specific dates for: (a) completion of construction; (b) completion of construction of storm water infiltration and/or treatment facilities; and (c) completion of any necessary restabilization and revegetation.

C. When the Executive Officer finds the above conditions are met, the applicant shall be notified in writing by issuance of a Notice of Applicability (NOA) of the Lake Tahoe HU General NPDES Construction Activity Storm Water General Permit.

D. Notwithstanding the provisions of the above paragraph, appropriate projects may be brought to the Regional Board for consideration of adoption of an individual NPDES Permit when the Executive Officer deems it desirable or necessary to do so.

VII. ADMINISTRATIVE PROVISIONS

A. Requirements

1. The conditions of this General Permit do not exempt the Discharger from compliance with any other laws, regulations, or ordinances which may be applicable, do not legalize land treatment and disposal facilities, and leave unaffected any further restraints on those facilities which may be contained in other statutes or required by other regulatory agencies.

2. All Dischargers must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to drainage systems or other water courses under their jurisdiction, including applicable requirements in municipal storm water management programs developed to comply with NPDES General Permits issued to local agencies by the Regional Board.

3. The Discharger shall at all times fully comply with the engineering plans, specifications, and technical reports submitted with the completed report of waste discharge. The Discharger shall at all times fully comply with the Storm Water Pollution Prevention Plan.

4. All Dischargers must comply with the Standard Provisions contained in Attachment "F" which is made a part of this General Permit.

5. Pursuant to California Water Code Section 13267, the Discharger shall comply with the attached Monitoring and Reporting Program (Attachment "G") made a part of this General Permit.

6. In addition to the Monitoring and Reporting Program defined in Attachment "G" any Restoration Projects shall also adhere to the Monitoring and Reporting Requirements defined in Attachment "C" made a part of this General Permit.

7. The owners of property subject to this General Permit shall have a continuing responsibility for ensuring compliance with the General Permit. The Discharger identified in the Notice of Applicability shall remain liable for General Permit violations until a NOI is received from the new owner/operator. Notification of applicable General Permit requirements shall be furnished to the new owners and/or operators and a copy of such notification shall be sent to the Regional Board. This General Permit is transferable to the new owner. Any change in the ownership and/or operation of property subject to this General Permit shall be reported to the Regional Board. The new owner must comply with the General Permit, including the Monitoring and Reporting Program.

B. Time Schedules

1. The Discharger shall submit a NOI, a complete report of waste discharge including a SWPPP, and the appropriate fee at least 60 days prior to the proposed date of construction. Additional time will be required for projects that propose disturbance to stream environment zones. Construction may not begin until a written Notice of Applicability (NOA) is received from the Regional Board Executive Officer.

2. All Dischargers must implement the SWPPP and the Monitoring and Reporting Program upon commencement of construction.

C. Revocation Procedures

Coverage under the General Permit shall continue until revoked in writing by the Executive Officer of the Regional Board. The General Permit for the specific project will be revoked in writing by the Executive Officer provided the following conditions are met; (1) the construction project is complete, (2) permanent BMPs have been installed, (3) information required by the attached Monitoring and Reporting Program has been submitted, and (4) Regional Board staff have inspected the site if necessary.

D. General Permit Expiration

General Permit Board Order No. 6-93-63 is hereby rescinded. This General Permit will expire five years after the date of adoption. Upon reissuance of the NPDES General Permit by the Regional Board, dischargers conducting construction activities subject to the reissued General Permit may be required to file a revised NOI, report of waste discharge, and fee.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on January 12, 2000.

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HAROLD J. SINGER
EXECUTIVE OFFICER

Enclosure: Notice of Intent Form

Attachments: A: Definitions
B: Lake Tahoe Hydrologic Unit Map
C: Restoration Projects: Additional BMPs and Monitoring and Reporting Requirements
D: Storm Water Pollution Prevention Plan

E: Receiving Water Objectives for Specific Surface Waters in the Lake Tahoe Hydrologic Unit
F: Standard Provisions
G: Monitoring and Reporting Program No. 6-00-03

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ATTACHMENT "A"

DEFINITIONS

BEST MANAGEMENT PRACTICES (BMPs)	means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States.
CLEAN WATER ACT (CWA)	means the Federal Water Pollution Control Act enacted by Public Law 92-500 as amended by Public Laws 95-217, 95-576, 96-483, and 97-117; USC 1252 et seq.
CONSTRUCTION SITE	is the location of the construction activity, including easements and other construction areas not under the Discharger's ownership or control.
CONTAMINATION	means "an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease including any equivalent effect resulting from the disposal of waste, whether, or not waters of the State are affected" [California Water Code Section 13050 (d)].
EMERGENCY	means a sudden, unexpected occurrence involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, essential public services, or the environment.
GROUNDWATER	includes, but is not limited to, all subsurface water being above atmospheric pressure and the capillary fringe of such water.
LOCAL AGENCY	means any agency that is involved with providing review, approval, or oversight of the construction site's (a) construction activity, (b) erosion and sediment controls, or (c) storm water discharge.
LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD (LRWQCB)	LAKE TAHOE WATERSHED UNIT- LAURI KEMPER 2501 LAKE TAHOE BLVD. SOUTH LAKE TAHOE, CA 96150 PHONE: (530) 542-5436 FAX: (530) 544-2271

MUNICIPAL STORM WATER COLLECTION SYSTEM means a conveyance or system of conveyance (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) which is:

(1) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created pursuant to applicable federal and bi-state laws) having jurisdiction, that discharges to water of the United States; including special districts under State law such as a sewer district or drainage district, flood control district, Indian tribe or an authorized Indian tribal organization or a designated and approved management agency under Section 208 of the CWA;

(2) designed or used for collecting or conveying storm water

(3) which is not a combined sewer; and

(4) which is not part of Publicly Owned Treatment Works as defined in 40 CFR 122.2.

NON-STORM WATER means any discharge to municipal storm water collection systems that is not composed entirely of storm water except discharges pursuant to an NPDES permit and discharges resulting from fire fighting activities.

NUISANCE means "anything which meets all of the following criteria: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life and property; (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; (3) occurs during or as a result of the treatment or disposal of wastes" [California Water Code Section 13050 (m)].

POLLUTION means "the man-made or man-induced alternation of the chemical, physical, biological, and radiological integrity of water" [CWA Section 502 (19)]. Pollution also means "an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either the waters for

beneficial uses or facilities which serve these beneficial uses"[California Water code Section 13050 (1)].

STATE WATER RESOURCES CONTROL BOARD (SWRCB)

DIVISION OF WATER QUALITY-BRUCE FUJIMOTO
STORM WATER PERMIT UNIT
P.O. BOX 1977
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SIGNIFICANT QUANTITIES is the volume, concentration, or mass of a pollutant in storm water discharge that can cause or threaten to cause pollution, contamination, or nuisance, adversely impact human health or the environment, and cause or contribute to a violation of any applicable water quality standards for the receiving water.

STORMWATER means storm water runoff, snow melt runoff, and surface runoff and drainage. It excludes infiltration and runoff from agricultural land.

SURFACE WATER includes, but is not limited to, perennial or ephemeral streams, lakes, wetlands, springs and similar waters which flow or reside in natural or artificial impoundments or drainage ways.

ATTACHMENT "C"

RESTORATION PROJECTS

ADDITIONAL BEST MANAGEMENT PRACTICES AND GUIDELINES FOR MONITORING AND REPORTING REQUIREMENTS

Discharges of Storm Water Runoff Associated with Construction Activity in the Lake Tahoe Hydrologic Unit-El Dorado, Placer, and Alpine Counties

In efforts to restore natural resource disturbance resulting from natural and man-made causes, many entities in the Lake Tahoe Basin are initiating restoration projects. Restoration projects are designed to mitigate impacts resulting from the overuse, the misuse, and the development of land. Restoration projects include, but are not limited to, streambank enhancement, slope stabilization, habitat restoration, revegetation of logged forest lands, drainage improvement projects, and rangeland management. The ultimate goal of a restoration project is to return the disturbed land to a more natural state which will in turn promote the long-term stability of the ecological system. The restored area will often resume previous environmental functions which typically improve air, water, soil, and habitat quality.

Best Management Practices to Implement during Construction Activity

Restoration projects, especially those over one acre, often involve work close to or within a watercourse and also involve soil disturbance. Because the construction period associated with a restoration project has the potential to expose large amounts of sediment, it is imperative to implement Best Management Practices (BMPs) on-site. Temporary BMPs should be installed and maintained before and during the entire construction period. These temporary BMPs are intended to provide effective erosion and sediment control so water quality is not impacted during the construction period. To minimize streambank erosion and sedimentation of watercourses, the following BMPs shall be implemented by the project proponent:

1. Implement temporary erosion and sediment control practices to minimize construction related erosion and sedimentation;

2. Minimize any activities that cause turbidity (cloudiness of the water);

3. Install and maintain sediment/silt barriers or materials (e.g. geotextile fabrics) as needed until they can be replaced by permanent erosion control devices or stabilized vegetation;

4. Inspect the construction site daily during construction so potential water quality problems can be identified and remedied immediately;

5. Design and construct the project to minimize impacts to streams, wetlands, soils, and endangered, threatened, and sensitive species;

6. Limit or eliminate vehicle crossing, especially where streams meander or have multiple crossings and utilize upland access roads whenever practicable;

7. Salvage and respread topsoil in areas disturbed by clearing and grading, except in areas with standing water or saturated soil; and

8. Upon completion of the construction project, remove all construction debris, hay bales, timber pads, prefabricated equipment pads and geotextile fabric (unless necessary for erosion control). Erosion control fences should be removed upon stabilization from erosion.

For projects requiring stream crossings, the following site preparation measures shall be implemented:

1. Existing crossings shall be used before the construction of new access ways across a watercourse;

2. All new construction corridors shall be cleared only to the extent necessary to allow for establishing the travel route crossing; and

3. Where possible, stream crossings shall be generally perpendicular to the water flow located in a straight section of the stream where width, depth, bank, and bottom characteristics will reduce the potential for channel alteration.

For restoration projects involving streambank alteration/restoration and wetland disturbance, the following mitigation measures shall be implemented to restore and protect the project area:

1. Placing native sod stripped from the proposed fill areas in the wetland restoration/creation areas; and

2. Planting of additional native grasses, shrubs and trees.

When disturbed streambanks require contouring work, the contouring shall not leave:

1. Sharp edges or vertical faces vulnerable to stream cutting contouring work;

2. Uneven banks; and

3. Bank remnants projecting out into the streambed.

In cases where the original streambank contours are excessively steep and/or unstable, a more stable final contour can be attained.

Monitoring and Reporting Requirements for Restoration Projects

Because restoration projects are often executed to improve existing water quality conditions, it is necessary to monitor the effectiveness of the restoration project. Information gained by monitoring can also identify strengths and weaknesses of the project. This knowledge can feedback into the maintenance of the existing system and also be applied to future projects to improve water quality.

To monitor the success of the restoration of a disturbed area, the project proponent shall submit a detailed Monitoring Plan with annual performance criteria for the review and approval of the Executive Officer of the Regional Board. A contingency plan must also be submitted for actions to be taken if performance criteria is not met.

Ideally, pre- and post-construction monitoring is required to best evaluate the success of the restoration project. If funding permits, it is also desirable to conduct monitoring during construction. Monitoring should include, but not be limited to, assessments of vegetative cover and water quality and quantity measurements. Where appropriate, monitoring should also include upgradient and downgradient sampling of water entering a pretreatment system (sediment can, sand and oil trap).

The Regional Board suggests a Monitoring Plan include, but not be limited to the following:

1. Pre- and Post project surveys of vegetative cover (5 per 100 feet), including an inventory of species diversity;

2. Pre- and Post project cross-sectional surveys of stream channel (if applicable);

3. Post project monitoring of the survivability of plantings;

4. Photo survey including photo-point locations of the disturbed/restored area, photos should be taken at the same time each year, preferably in the early fall;

5. Pre- and post-project groundwater measurements from at least two piezometers installed for observing groundwater levels;

6. Site assessments of the success of the implemented erosion and sediment control measures;

7. Water quality analyses to include Total Suspended Solids, Total N, Total P, Conductivity, and Turbidity at a minimum.

ATTACHMENT "D"

STORM WATER POLLUTION PREVENTION PLAN

1. Objectives

A Storm Water Pollution Prevention Plan (SWPPP) shall be developed for each construction site covered by this permit. The SWPPP shall be designed to comply with Federal requirements to implement best management practices (BMPs) to achieve compliance with effluent limits and receiving water objectives. The SWPPP shall be certified in accordance with the signatory requirements of Section 9 of the Standard Provisions in Attachment "F". The SWPPP shall be developed and amended, when necessary, to meet the following objectives:

a. To identify pollutant sources that may affect the quality of storm water discharges from the construction site, and

b. To identify, assign, and implement control measures and management practices to reduce pollutants in storm water discharges from the construction site both during construction and after construction is completed when the construction activity may result in the discharge of pollutants in excess of pre-construction levels.

2. Approval

A SWPPP must be developed by the discharger and approved by the Regional Board Executive Officer, before written authorization will be granted to discharge under the terms and conditions of this permit. The Regional Board will notify the discharger if the SWPPP does not meet one or more of the minimum requirements of this Section.

3. Implementation Schedule

a. For construction activity commencing on and after January 13, 2000, a SWPPP approved by the Regional Board Executive Officer must be implemented with commencement of construction activities.

b. For construction activity commencing prior to and continuing beyond January 13, 2000, the plan shall be submitted to the Regional Board within 30 days of the adoption of this permit.

c. For on-going construction activity involving a change of owner/developer of property covered by this permit, the new owner/developer must accept and maintain the existing SWPPP until a new SWPPP is developed by the new owner/developer and approved by the Regional Board Executive Officer.

4. Availability

The SWPPP shall be kept on site during construction activity and made available upon request of a representative of the Regional Board or any local storm water management agency which receives the storm water discharge.

5. Required Changes

a. The discharger shall amend the SWPPP whenever there is a change in ownership, construction, or operations, which may effect the discharge or pollutants to surface waters, ground waters, or a municipal storm drain system. The amended SWPPP shall be submitted to the Regional Board for the Executive Officer's approval 30 days prior to the date when the change is to occur.

b. The SWPPP should also be amended if it is in violation of any condition of this permit, or has not achieved the general objectives of controlling pollutants in storm water discharges. The amended SWPPP shall be submitted no later than 30 days after the determination of violation or non-achievement to the Regional Board Executive Officer for review and approval.

c. The Regional Board, or local agency with the concurrence of the Regional Board, may require the discharger to amend the SWPPP.

6. Source Identification

The SWPPP shall provide a description of potential sources which may be expected to add pollutants to stormwater discharges, or which may result in non-storm water discharges from the construction site. The SWPPP shall include the following items:

a. A topographic map (USGS or other map if a topographic may is unavailable), extending one-quarter mile beyond the property boundaries of the construction site, showing: the construction site, surface water bodies (including known springs, wells, and wetlands), and the anticipated discharge points where the construction site's storm water discharges to a municipal storm drain system or other water body. The requirements of this paragraph may be included in the site map required under the following paragraph if appropriate.

b. A site map(s) showing:

    i. Location of storm water structures and controls used during construction;

    ii. Areas used to store soils and wastes;

iii. Areas of cut and fill;

iv. Drainage patterns and slopes anticipated after major grading activities;

v. Areas of soil disturbance;

vi. Surface water locations;

vii. Areas of potential soil erosion where control practices will be used during construction;

viii. Existing and planned paved areas and buildings;

ix. Locations of post-construction storm water structures and controls;

x. An outline of the drainage area for each on-site storm water discharge point;

xi. Vehicle storage and service area; and

xii. Areas of existing vegetation.

c. A narrative description of the following:

i. Toxic materials that are known to have been treated, stored, disposed, spilled, or leaked in significant quantities onto the construction site;

ii. Management practices employed to minimize contact of construction materials, equipment, and vehicles with storm water;

iii. Construction material loading, unloading, and access areas;

iv. Pre-construction storm water structures and controls to reduce sediment and other pollutants in storm water discharge;

v. Equipment storage, cleaning, and maintenance areas;

vi. Methods of on-site storage and disposal of construction materials;

vii. Nature of fill material and existing data describing the soil on the construction site; and

viii. Ground water depth, gradient, and quality if known, readily available, or a reasonable approximation.

d. A list of pollutants (other than sediment) that are likely to be present in storm water discharges. Describe the structures and management practices (if different from Paragraph 7 below) appropriate to control the storm water discharge of these pollutants.

e. An estimate of the size of construction site (in acres or square feet), and the percent of the construction site that has impervious areas (e.g., pavement, buildings, etc.) before an after construction.

f. A copy of the Notice of Intent (NOI).

7. Erosion and Sediment Control

The SWPPP shall include:

a. A description of soil stabilization practices. Vegetative measures shall be designed to preserve existing vegetation where practicable, and to revegetate open areas as soon as practicable after grading or construction. In developing soil stabilization practices, the discharger shall consider: temporary seeding, permanent seeding, mulching, sod stabilization, vegetative buffer strips, protection of trees, or other soil stabilization procedures. At a minimum, the operator must implement these practices on all disturbed areas during the rainy season.

b. Descriptions and illustrations of control practices designed to prevent a net increase of sediment load in storm water discharge. Permanent onsite drainage facilities shall be designed to treat or contain onsite runoff from impervious surfaces generated from up to and including a 20-year, 1-hour storm, which would drop approximately one inch of rain in the California portion of the Lake Tahoe Basin. In developing control practices, the discharger shall consider a full range of erosion and sediment controls such as detention basins, silt fences, earth dikes, brush barriers, velocity dissipation devices, drainage swales, check dams, subsurface drain, pipe slope drain, level spreaders, storm drain inlet protection, rock outlet protection, sediment traps, temporary sediment basins, or other controls which may reduce erosion and sediment discharge to pre-construction levels. Sandbag dikes, silt fences, or equivalent controls practices are required for all sideslope and downslope boundaries of the construction area. The Discharger must consider site specific and seasonal conditions when designing the control practices.

c. Control practices to reduce the tracking of sediment onto public and private roads. These roads shall be inspected and cleaned as necessary.

d. Control practices to reduce wind erosion.

8. Non-Storm Water Management

The SWPPP shall include provisions which eliminate or reduce to the extent practicable the discharge of materials other than storm water to the storm sewer system and/or receiving water. Such provisions shall ensure, to the extent practicable, that no materials are discharged in quantities which have an adverse effect on receiving waters. Materials other than storm water that are discharged shall be listed along with the estimated quantity of the discharged material.

9. Post-Construction Storm Water Management

The SWPPP shall describe the storm water control structures and management practices that will be implemented to minimize pollutants in storm water discharges after construction phases have been completed at the site. These must be consistent with all local post-construction storm water management requirements, policies, and guidelines. The discharger must consider site specific, including groundwater, and seasonal conditions when designing the control practices after construction is completed shall be addressed, including short and long-term funding sources and responsible party.

10. Waste Management and Disposal

The SWPPP shall describe waste management and disposal practices to be used at the construction site. All wastes (including equipment and maintenance waste) removed from the site for disposal shall be disposed of in a manner that is in compliance with federal, state, and local laws, regulations, and ordinances.

11. Maintenance, Inspection, and Repair

The SWPPP shall include maintenance and repair procedures to accompany the Monitoring and Reporting Program that ensure all grade surfaces, walls, dams and structures, vegetation, erosion and sediment control measures, and other protective devices identified in the site plan are maintained in good and effective condition and are promptly repaired or restored. A tracking and follow-up procedure shall be described to ensure that all inspections are done by trained personnel and that adequate response and corrective actions have been taken in response to the inspection.

12. Training

The SWPPP shall include procedures to ensure that all inspections required in Section A of the Monitoring and Reporting Program of this general permit, and maintenance and repair required above, in Paragraph 11. These procedures shall include identification of specific personnel and the training required to perform inspections, maintenance, and repair.

13. List of Contractors/Subcontractors

The SWPPP shall contain a list of all contractors and subcontractors responsible for implementing the SWPPP. This information shall be added to the SWPPP once the contractors and subcontractors selected to implement the SWPPP are determined.

14. Other Plans

This SWPPP may incorporate, by reference, the appropriate elements of other plans required by local, state or Federal agencies. A copy of any requirements incorporated by reference shall be kept at the construction site.

15. Public Access

The SWPPP is considered a report that shall be available to the public under Section 308(b) of the CWA. Upon request by members of the public, the discharger shall make available for review a copy of the SWPPP directly to the requestor.

16. Preparer

The SWPPP shall include the signature and title of the person responsible for preparation of the SWPPP, the date of initial preparation, and the person and date for each amendment thereto.

ATTACHMENT “E”

WATER QUALITY OBJECTIVES FOR CERTAIN WATER BODIES LAKE TAHOE HYDROLOGIC UNIT

	Surface Waters	Objective (mg/L except as noted) [1,2]						
		TDS	Cl	SO_4	B	N	P	Fe
1	Lake Tahoe	60 65	3.0 4.0	1.0 2.0	0.01 -	0.15 -	0.008 -	--
2	Fallen Leaf Lake	50 -	0.30 0.50	1.3 1.4	0.01 0.02	See Table 5.1-4 for additional objectives		
3	Griff Creek	80 -	0.40 -	--	--	0.19 -	0.010 -	0.03 -
4	Carnelian Bay Creek	80 -	0.40 -	--	--	0.19 -	0.015 -	0.03 -
5	Watson Creek	80 -	0.35 -	--	--	0.22 -	0.015 -	0.04 -
6	Dollar Creek	80 -	0.30 -	--	--	0.16 -	0.030 -	0.03 -
7	Burton Creek	90 -	0.30 -	--	--	0.16 -	0.015 -	0.03 -
8	Ward Creek	70 85	0.30 0.50	1.4 2.8	--	0.15 -	0.015 -	0.03 -
9	Blackwood Creek	70 90	0.30 -	--	--	0.19 -	0.015 -	0.03 -
10	Madden Creek	60 -	0.10 0.20	--	--	0.18 -	0.015 -	0.015 -
11	McKinney Creek	55 -	0.40 0.50	--	--	0.19 -	0.015 -	0.03 -
12	General Creek	50 90	1.0 1.5	0.4 0.5	--	0.15 -	0.015 -	0.03 -
13	Meeks Creek	45 -	0.40 -	--	--	0.23 -	0.010 -	0.07 -
14	Lonely Gulch Creek	45 -	0.30 -	--	--	0.19 -	0.015 -	0.03 -
	continued...							

WATER QUALITY OBJECTIVES FOR CERTAIN WATER BODIES
LAKE TAHOE HYDROLOGIC UNIT

See Fig. 5.1-1	Surface Waters	Objective (mg/L except as noted) [1,2]						
		TDS	Cl	SO_4	B	N	P	Fe
15	Eagle Creek	35 -	0.30 -	--	--	0.20 -	0.010 -	0.03 -
16	Cascade Creek	30 -	0.40 -	--	--	0.21 -	0.005 -	0.01 -
17	Tallac Creek	60 -	0.40 -	--	--	0.19 -	0.015 -	0.03 -
18	Taylor Creek	35 -	0.40 0.50	--	--	0.17 -	0.010 -	0.02 -
19	Upper Truckee River	55 75	4.0 5.5	1.0 2.0		0.19 -	0.015 -	0.03 -
20	Trout Creek	50 60	0.15 0.20	--	--	0.19 -	0.015 -	0.03 -

[1] Annual average value/90th percentile value.
[2] Objectives are as mg/L and are defined as follows:
B Boron
Cl Chloride
SO_4 Sulfate
Fe Iron, Total
N Nitrogen, Total
P Phosphorus, Total
TDS Total Dissolved Solids (Total Filterable Residues)

ATTACHMENT "F"

STANDARD PROVISIONS

1. Duty to Comply

The Discharger must comply with all of the conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The discharge shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this permit has not yet been modified to incorporate the requirements.

2. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit conditions.

If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the CWA for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified, or revoked and reissued to conform to the toxic effluent standard or prohibition, and the Discharger so notified.

3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

4. Duty to Mitigate

The Discharger shall take all responsible steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. Proper Operation and Maintenance

The Discharger shall at all times properly operate and maintain any facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance may require the operation of backup or auxiliary facilities or similar systems, installed by a Discharger when necessary to achieve compliance with the conditions of this permit.

6. Property Rights

This permit does not convey any property rights of sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

7. Duty to Provide Information

The Discharger shall furnish the Regional Water Board, State Water Board, or EPA, within a reasonable time, any requested information to determine compliance with this permit. The Discharger shall also furnish, upon request, copies of records required to be kept by this permit.

8. Inspections and Entry

The Discharger shall allow the Regional Water Board, State Water Board, or EPA, and local storm water management agency, upon the presentation of credentials and other documents as may be required by law to:

a. Enter upon the Discharger's premises at reasonable times where a regulated construction activity is being conducted or where records must be kept under the conditions of this permit;

b. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and

c. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment) that are related to or may impact storm water discharge.

d. Sample or monitor at reasonable times for the purpose of ensuring permit compliance.

9. Signatory Requirements

a. All Notices of Intent submitted to the Regional Board shall be signed as follows:

1. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (2) the manager of the construction activity if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

2. For a partnership or sole proprietorship: by a general partner or the proprietary, respectively; or

3. For a municipality, State, Federal, or other public agency: by either a principal executive officer, ranking elected official, or duly authorized representative. The principal executive office of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

b. All reports, certifications, or other information required by the permit and requested by the Regional Water Board, State Water Board, EPA, or local storm water management agency shall be signed by a person described above or duly authorized representative. A person is a duly authorized representative if:

1. The authorization is made in writing by a person described above and retained as part of the Storm Water Pollution Prevention Plan.

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the construction activity, such as the position of manager, operator, superintendent, or position equivalent responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

10. Certification

Any person signing documents under Provision 9 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted, is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false

information, including the possibility of fine and imprisonment for knowing violations."

11. Penalties for Falsification of Reports

Section 309 (c) (4) of the CWA provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this general permit, including reports of compliance or noncompliance shall, upon conviction, be punished by a fine or not more than $10,000 or by imprisonment for not more than two years or by both.

12. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Discharger from any responsibilities, liabilities, or penalties to which the Discharger is or maybe subject under Section 311 of the CWA.

13. Severability

The provisions of this permit are severable, and, if any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

14. Reopener Clause

This general permit may be modified, revoked and reissued, or terminated for cause due to promulgation of amended regulations, receipt of USEPA guidance concerning regulated activities, judicial decision, or in accordance with 40 Code of Federal Regulations 122.62, 122.63, 122.64, and 122.65. If there is evidence indicating potential or actual impacts on water quality due to any storm water discharge, associated with construction activity covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit or an alternative general permit, or this permit may be modified to include different limitations and/or requirements.

15. Penalties for Violations of Permit Conditions

a. Section 309 of the CWA provides significant penalties for any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any such section in a permit issued under Section 402. Any person who violates any permit condition of this permit is subject to civil penalty not to exceed $25,000 per day of violation, as well as other appropriate sanction provided by Section 309 of the CWA.

b. The Porter-Cologne Water Quality Control Act also provides for civil and criminal penalties which in some cases are greater than those under the CWA.

16. Availability

A copy of this permit shall be maintained at the construction site during construction and be available to operating personnel.

17. Transfers

This permit is transferable. A new owner/developer of an ongoing construction activity must submit a Notice of Intent (NOI) in accordance with the requirements of this permit to be authorized to discharge under this permit. An owner/developer who terminates all interest in the property (by sale of this property, or termination of contracts) shall inform the new/owner developer of the duty to file a NOI and shall provide the new owner/developer with a copy of this permit.

18. Continuation of Expired Permit

This permit continues in force and effect until a new general permit is issued or the Regional Board rescinds this permit. Only those Dischargers authorized to discharge under the expiring permit are covered by the continued permit.

ATTACHMENT "G"

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION (REGIONAL BOARD)

MONITORING AND REPORTING PROGRAM NO. 6-00-03

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

FOR

DISCHARGES OF STORM WATER RUNOFF ASSOCIATED WITH CONSTRUCTION ACTIVITY INVOLVING LAND DISTURBANCE IN THE LAKE TAHOE HYDROLOGIC UNIT EL DORADO, PLACER, AND ALPINE COUNTIES

A. Inspections

An inspection of the construction site shall be made at the end of each work day during active construction periods, and at least once a month during long periods of inactivity (e.g., winter) by the Discharger, resident engineer, superintendent, general contractor or equivalent. In addition, inspections shall be made prior to anticipated storm events, and after actual storm events. Inspections shall be performed from the commencement of construction activities until revocation of this permit. The purpose of the inspections is to discover potential water quality problems at the construction site so the Discharger can implement corrective measures immediately. The inspections will also be used to document compliance with the conditions of the General Permit and the Storm Water Pollution Prevention Plan (SWPPP) and to evaluate the effectiveness of the SWPPP. An inspection shall consist of checking for the following items, as applicable:

1. Damage to containment dikes or erosion control fencing;

2. Improperly installed or ineffective erosion control fencing;

3. Unauthorized access by vehicles;

4. Boundary fence damage or removal;
5. Disturbed areas with inadequate erosion prevention and sediment control protection;

6. Evidence of any sediment leakage through erosion control fencing or containment dikes;

7. Soil piles and other earthen materials which are unprotected or located in drainage way;

8. Spilled and improperly stored chemicals, paint, fuel, oil, solvents, sealants, etc.;

9. Upstream runoff diversion structures (in-place and operational);

10. Any signs of soil erosion or deposition downgradient form runoff discharges; and

11. Sediment accumulation within on-site storm water drainage control facilities.

The Discharger shall maintain a site inspection log book noting the date of the inspection, the inspection, the inspector's name and position title, and problem areas discovered for each inspection performed. The inspection log shall be made available to Regional Board staff for review if so requested.

A. Annual Reporting

At the end of each construction season the Discharger shall submit a report to the Regional Board containing, at minimum, the following information:

1. The project name and location;

2. Any significant problem(s) which occurred during project construction and remedial measures planned or implemented;

3. Certification that the site has been winterized in accordance with BMPs for erosion prevention and sediment control;

4. Certification that the construction project site is in compliance with the conditions of the general permit and the SWPPP. This certification shall be signed by a Civil Engineer registered in the State of California. This certification should be based upon site inspections required in Paragraph A.

This report shall be submitted to the Regional Board on or before October 31 of each year before completion of the construction project.

A. Restoration Monitoring and Reporting

For restoration projects, there will be additional monitoring and reporting required in the Notice of Applicability. For a list of common elements that may be included as required for additional monitoring, refer to Attachment "C".

A report shall be submitted to the Regional Board on or before October 31 of each year, for three years, following the completion of the project. This report shall contain an update of the current status of the site and the success of additional monitoring efforts. For projects that involve establishing a vegetative cover, for the purposes of mitigation, restoration, stormwater treatment and/or erosion control, the report shall describe the success of the revegetation efforts. If any of the annual reports indicate that the annual performance criteria is not being met, the project proponent shall submit a plan and schedule in accordance with the previously submitted Contingency Plan for Regional Board staff review and approval.

B. Final Monitoring Report

Following completion of project construction, the Discharger shall submit a final monitoring report to the Regional Board containing, at minimum, the following information:

1. Details of any modification of the construction plans for the proposed storm water collection treatment, or disposal facilities or restoration work;

2. Details on any change in the amount of impervious coverage for the project site;

3. Any significant problem(s) which occurred during project construction and remedial measures planned or implemented;

4. A statement certifying that on-site soil stabilization and revegetation measures have been completed; and

5. Certification that construction activity has been completed, that the project was constructed in strict accordance with the specifications in all elements of the SWPPP, that construction and equipment maintenance waste have been disposed properly, that the site is in compliance with all local storm water management requirements including erosion prevention and sediment control requirements, policies, and guidelines, and that the project site is in compliance with the conditions of the general permit. This certification shall be signed by a Civil Engineer registered in the State of California.

The final report shall be signed and dated by the property owner, or the property owner's legal representative, and submitted to the Regional Board within 30 days of project completion.

Records of all inspections (including the inspection log book), compliance certificates, monitoring reports, and noncompliance reporting must be maintained for a period of at least three years.

These Monitoring and Reporting Program requirements may be modified or amended in the future by action of the Regional Board Executive Officer.

Ordered by _____ Date: _____

HAROLD J. SINGER
EXECUTIVE OFFICER

MFF/shF:NPDES5.M&R

California Regional Water Quality Control Board-Lahontan Region
NOTICE OF INTENT
TO COMPLY WITH THE TERMS OF THE
LAKE TAHOE HYDROLOGIC UNIT GENERAL NPDES
CONSTRUCTION ACTIVITY STORMWATER PERMIT
(WQ ORDER No. **6-00-03**)

I. NOI STATUS (SEE INSTRUCTIONS)

MARK ONLY ONE ITEM 1. ☐ New Construction 2. ☐ Change of Information for WDID#

II. PROPERTY OWNER

Name	Contact Person		
Mailing Address	Title		
City	State	Zip	Phone ( ) --

III. DEVELOPER/CONTRACTOR INFORMATION

Developer/Contractor	Contact Person		
Mailing Address	Title		
City	State	Zip	Phone ( ) --

IV. CONSTRUCTION PROJECT INFORMATION

Site/Project Name	Site Contact Person		
Physical Address/Location	Latitude °	Longitude °	County
City (or nearest City)	Zip	Site Phone Number ( )	Emergency Phone Number ( )

A. Total size of construction site area: _____ Acres B. Total area to be disturbed: _____ Acres (% of total _____)	C. Percent of site imperviousness (including rooftops): Before Construction _____% After Construction _____%	D. Tract Number/s: _____, _____ E. Mile Post Marker: _____

F. Is the construction site part of a larger common plan of development or sale? ☐ YES ☐ NO	G. Name of plan or development:

H. Construction commencement date: _____/_____/_____ I. % of site to be mass graded: _____	J. Projected construction dates: Complete grading ____/_____/____ Complete project ____/____/____
K. Type of Construction (Check all that apply) L. Residential Commercial Industrial Reconstruction Transportation	Utility (Please explain):_____ Other (Please explain):_____

V. BILLING INFORMATION

SEND BILL TO:	Name	Contact Person	
☐ OWNER (as in II. above)			
☐ DEVELOPER	Mailing Address	Phone/Fax	
☐ OTHER (enter information at right)	City	State	Zip

VI. REGULATORY STATUS

A. Has a local agency approved a required erosion/sediment control plan?..... ☐ YES ☐ NO

Does the erosion/sediment control plan address construction activities such as infrastructure and structures?..... ☐ YES ☐ NO
Name of local agency: _____ Phone: _____

B. Is this project or any part thereof, subject to conditions imposed under a CWA Section 404 permit of 401 Water Quality Certification?... ☐ YES ☐ NO

If yes, provide details:

VII. RECEIVING WATER INFORMATION

A. Does the storm water runoff from the construction site discharge to (Check all that apply):

1. ☐ **Indirectly to waters of the U.S.**
2. ☐ **Storm drain system - Enter owner's name:**_____
3. ☐ **Directly to waters of U.S. (e.g. , river, lake, creek, bay, ocean)**

B. Name of receiving water: (river, lake, creek, stream, bay, ocean): _____

VIII. MATERIAL HANDLING/MANAGEMENT PRACTICES

A. Types of materials that will be handled and/or stored at the site:

Solvents Metal Petroleum Products Plated Products
Asphalt/Concrete Hazardous Substances Paint Wood Treated Products
Other (Please list)

B. Indentify proposed management practices to reduce pollutants in storm water discharges (Check all that apply)

Oil/Water Separator Erosion Controls Sedimentation Controls Overhead Coverage
Detention Pond Other (Please list)

IX. IMPLEMENTATION OF NPDES PERMIT REQUIREMENTS

A. STORM WATER POLLUTION PREVENTION PLAN (SWPPP) (check one)

☐ A SWPPP has been prepared for this facility and is available for review: Date Prepared: ___/___/___. Date Amended:___/___/___.

☐ A SWPPP will be prepared and ready for review by (enter date): ___/___/___.

☐ A tentative schedule has been included in the SWPPP for activities such as grading, street construction, home construction, etc.

B. MONITORING PROGRAM

☐ A monitoring and maintenance schedule has been developed that includes inspection of the construction BMPs before anticipated storm events and after actual storm events and is available for review.

If checked above: A qualified person has been assigned responsibility for pre-storm and post-storm BMP inspections to identify effectiveness and necessary repairs or design changes..... ..... ☐ YES ☐ NO

Name: _____ Phone: _____

C. PERMIT COMPLIANCE RESPONSIBILITY

A qualified person has been assigned responsibility to ensure full compliance with the Permit, and to implement all elements of the Storm Water Pollution Prevention Plan including:

1. Preparing an annual compliance evaluation..... ☐ YES ☐ NO

Name: _____ Phone: _____

2. Eliminating all unauthorized discharges identified in the SWPPP..... ☐ YES ☐ NO

X. VICINITY MAP AND FEE (must show site location in relation to nearest named streets, intersections, etc.)

Have you included a vicinity map with this submittal?	☐ YES	☐ NO
Have you included payment of the annual fee with this submittal.....	☐ YES	☐ NO

XI. CERTIFICATIONS

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment. In addition, I certify that the provisions of the permit, including the development and implementation of a Storm Water Pollution Prevention Plan and a Monitoring Program Plan will be complied with."

Printed Name: _____

Signature: _____ **Date:** _____

Title: _____